P. F 30-99

G. R. S. IX-5]

Previous references.

1897-98
~~191~~ .
(2. R

File No. 69-97

Serial Nos. 1-7

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. (-)

In ~~Part~~ B for Aug 1899

SUBJECT.

Cancellation of the Sale of S. No 26 of Kodapanahalli

Nelamangala taluk.

W D 1250—GPB—30,000 28-1-19

Index

Precis

Petn no 2865 of 25.5.98

Petr.

Gani Rangappa of Kallare Banavadi village - Tal Nelamangala Taluk

Subject:-

Appeal against the order of the Dy Comr, Banglore Dist, confirming the Asst Comr's (Jamabandi officer) order cancelling the sale to petr of S. no 26 of Kadaprakally village in Nelamangala Taluk

Facts of the case.

(1) One Syed Ghouse Sahib purchased in a auction on 18.8.97, for Rs 6 land S. no 25 of Kadaprakally village in the Nelamangala Taluk. As the land applied for was assessed with tax of Rs 2 was applied (Rs 6 - Rs 4) fees calculated at 175 3/4 Rs, the Tahsildar directed the Talaq the land by public auction and the sale is thereafter issued on 21.8.97 (the date fixed for sale being 6.9.97). The sale is thereupon duly proclaimed on 23.8.97 (the villagers objections having been taken into consideration).

(2) One 25.8.97 the village

Papers

① Papers nos 1 & 2 ac. Gunta. Assessment Rs 22 - 37, Rs 23-0-0

② Papers nos 2

of Kodapperuwahelly presented ⑦ Paper no 2
a petition to the Assistant Govt Agent
praying against holding the
sale of the land on the ground
that they were taking the
land every year for their
husbandry and that their
cattle would suffer if the
land was given for cultivation and that when one
Kanakkige of Walawwa
Unnahi applied for the same
land in the time of Appuhamy
for his darkast was rejected
on the complaint of the Ryots
(petitioners)

(3) The Sale was held by the Paper no 3
Assistant in person on 6 the Complainant
27 and the villagers were all
present. The highest bid was
Rs 220/- by (petitioner) Kaviyanna.

(4) On 13-10-97, the Assistant Paper no 5.
in his no 306, reported to
the 3rd Principal Govt Agent
as follows:-

"On the darkast of
Kaviya Saha for grant of land
3 no 26 (wrongly entered as 28) of
Kodapperuwahelly, Sale of the
Assistant was issued from this
office for sale of the land
by public auction as it contained
wood apple trees valued at
Rs 165-12-0. The villagers pro
tested against the sale of the
land by means of a petition,
on the ground that they
cause given permission to

acre R. perch
22-37 23-0-0

them and that in the time
of Copalaiengo the darkast
for the said land was
rejected on the ground that
it contained Sangal trees.
As the land was assessed
the complaint of the villagers
~~could not be~~ was not con-
sidered reasonable and
in the presence of the
villagers and the darkast-
dar the land was sold
by public auction by me
the highest bid was for
Rs 290 by Kaniyamma and
outbid Rs 308-2-0 due (18-2-0
being the cess) the highest
bidder paid Rs 75 on the 7th
September and the remainder
Rs 233-2-0 on 6-10-97. No com-
plaint has been received
till now orders are solicited
for confirmation of the sale.
The land is assessed dar-
kast has been received pre-
mises. It is quite common
to the villagers to protest
against the sale when
darkasts are presented, with
~~view of~~ a view of enjoy-
ing the land in common
as gomal. After the complaint
of the villagers, I even told
them that if they liked to

reserve the land for their
common use in the name
of one principal ryot
and if they pay the sale
amounts recommendation
would be made by you
for grant of the land to
them. But they did not
consent to the proposal
with a view of enjoying
the land by paying only a small
amount and enjoying the
produce of the trees on the
land among themselves.
orders are solicited for
confirmation of the sale
now held by me."

(5) on 18-10-97, the Collector called for submission of the papers in connection with the rejection of the tender in the line of Expelling or reserved in the patta). Paper No 8

(6) on 11-10-97 the Tahsildar directed the Patel to produce the said Mamula Siddaiya and the Pattah issued to him if in his possession. The said Siddaiya's son appeared before the Tahsildar and deposed to the effect that his father died 3 years back, that a search for the Pattah in question proved a failure and that he would make Paper No 5

further search of 3 days time
could given to him. The
Amildar reported on 30.11.87
that no reference was found
coming in the Taluk records
regarding the deceased and
that even the Darkast re-
gister did not show that
any petition was received
praying for grant of the
land in question and that
the said Siddayya's son died
not turn up though he pro-
mised to do so after 3 days
on a second reference by
the Asstt Comr the Amil-
dar reported on 26.1.88,
that the records from 1882
to 1893 were searched to no
effect that no record exist
regarding S.No. 26 in ques-
tion and that as the said
Siddayya had died no fur-
ther search could be made.

Paper No. 7

(7) On 15.2.90 the Jainabund
Officer (Asstt Comr) took a
deposition from the villagers
agreeing to pay Rs 30-8-0
for the land in question, to
have the patta of the land
made out in the name
of Narasegowda (one of them)
and to enjoy the land in
common without cultivating

ch

it after paying the usual kandaru ~~the~~ thereon every year. He accordingly issued kuleam No. 7/49 dated 15.2.98 to the said dao - to re port after receipt of the amount from the villagers.

(8) On the receipt of the report from the Builder on 26.2.98 to the effect that the amount was paid by the villagers, the Asst. Comr. directed the Service Mahien of the Sale to pete and to mark the said land should be given to the villagers for enjoyment of the kulleam as per their kaipheek and to make the patta in the name of Nanzi gowda as prayed for by them and to return to the pete his sale amount after intimating him of the above facts.

(9) The pete was informed by a notice dated 10.3.98 to receive back his amount within 3 days from the date of receipt of the notice as the Sale had been cancelled by the Asst. Comr. on the complaint of the villagers.

(10) The pete thereupon

appealed to the Deputy Commissioner on 26.3.98 and prayed for confirmation of the sale. The Deputy Commissioner on receipt of the records of the case ordered as follows:— on 15.3.98

(i) "The villagers if they had liked to retain the land for their use, ought to have bid outright at the auction sale. It was quite reasonable to confirm the sale held without any irregularity. But as the Revenue officer has granted the land under Section 97 para 5 of the Land Revenue rules to the villagers for an upset price and even ordered the patta thereof to be made in the name of one of them, and as such sanction is quite necessary to distinct possession of land after once it is given away to one, nothing can be done now to cancel the order and to confirm the sale by me."

(ii) Hence the appeal to this

(13) In reply to the queries of this office, the Dy Collr reports in his letter No 814 dated 11th February 99 that S. No 26 (the land in question) is not the only unoccupied village S. No & measuring 2 acres and 10 gunthas assessed at Rs 7-8-0, being also unoccupied, that the population of the village is 42, No of cattle possessed by the villagers 105, the extent of land held by them 82 A. & assessed at Rs 119-12-0, extent of land held by others residing elsewhere 26 A and 19 gunthas assessed at Rs 40-12-0; and that the petty Nanja holds 12 A and 31 gunthas of dry land and 36 gunthas of wet land in the village of Kodagapparahally.

Asst. 14-8-0
Asst. 3-4-0

[N.B.] this part of the report of the Dy Collr seems to be incorrect. the Surveyor reports in his No 619 dated 9.1.99 that only the persons of other village who hold land in the village of Kodagapparahelli own no cattle and that Nyanappa (and not petty) owns 12 acres 31 gunthas of

See paper No 17.

by land and 36 gunthas of wet land and that petr owns no land in the village of Kodappanahalli.

4) In the statement dated 23-11-99 the Sheristadar states that the time of sale of the land in question by the Auditor the villagers prayed in person not to dispose of the land by sale at present cause in convenience to them the Auditor told them that the land would be sold according to rules and that they may bid at the sale if they liked. But they did not bid at the sale (though present) but only petn in a later petn.

15.3.99.

Issue for
Proofs 15.3.99
Precipe for 15.3.99

Date of issuing the Sale Notice
then - 21.8.97.
Date of proclamation of the Sale - 23.8.97
Date of Sale 6.9.97.
Officer holding the Sale
Auditor in person.

Before the Government of Mysore.

12

Appeal No. 35 of 1898-99.

Appellant.	Respondents
Gare Rangenna	Narasegauda & ors.

Subject :- Dispute regarding the cancellation of the sale of S. No. 26 of Kodagihanahalli, Yelaburga Taluk

Posted for hearing on 10th July 1899.

Pub'd by Sd Councillor 29/6/99

11604

Vide Proceedings Deputy Commissioner Koppal dated 29/6/99 in favour of appellant.

29/6/99

There was no record sent along with the petition and petitioner was directed vide Koppal Office Memo dated 29/7/99 to furnish the certified portion of the record.

10.7.99

12

Before the Government of Mysore.

Appeal No. 35 of 1898-99.

Appellant.	Vs.	Respondents
Govindaraja Gr Govindaya		Narasimha & others

Notice served
10. 7. 99.

Both parties present (Savi Rangamma & Narasimha)

Appll - The sale was regularly conducted. I paid up the purchase-money (Rs 30 /-). I stood to pay interest on the monies for some month.

Respt - We have no general lands for our Village. The appll belongs to the Village. We are ready to pay the Kandayam. I am willing to reimburse the appll the interest.

(Qtn C - Why the sale be cancelled? Why did you not take it up before this?)

1st C - are you willing to reimburse the appll the int?

There are nine teen 1000 trees on the land

Date of Agreement's order - 15/3/98

Agreement's order to be carried out

Para 5 of Rule XX.

a 2nd sale to be ordered - The amount still
to be refunded to Respts

15/7/99.

Ref'd to 1st Comm'r.

9/8/88

11938

In this case a statement of facts is made which shows that during the year 1887 the said Ute applied for the land now given them in lieu of it — at that time was virtually two applications for the land, and the Ute, under the impression that the land might be used for grazing purposes & wanted to keep as long as they might remain as grazing land, did not file for the land at once — The affidavits are in the case — It has all ended the order of which affd became the applt body — as the affidavits are in order, it seems to me that a decision should be given in favor of the applicant — I would therefore sign the order as applied for in my letter of transmittal also on the envelope inclosing papers dated 8/8/88 which I have

9/8/88

Sub d

(1) 2 Rs stamp affixed - Stamp Suffn

(2) The Asst Comr's order complained of is dated 12.5.98 (in time)

Rocky 6/6/98.

(3) appeal against D Comr's order confirming the Asst Comr's order cancelling the Sale & pet[r] of Sno 21

(4) Not a comm. case

Sub's & Rev Council

E 82

6/6/98

Sub's Asst Comr

E 2/7/98

Case for D Comr

7/6

1898 (1)

No. 2665 A-8-35 98-99.

Name of Petitioner Grace Paige

Village Mallur Banavara

Taluk Nelamangla

District Bangalore

Date of Arzi 25-5-98

Date of Receipt 27-5-98

Date of Disposal

No. of Enclosure one

ABSTRACT

Translation of Endt. No: 230 dated 12.5.98 from the Asst Comr of Bangalore to the Petr

Read your arzi dated 7.4.98 stating that on the Marriage of Lydia Grace for the grant of 2 acres 27 cents of land bearing Sno 26 of Kodathana village, the sale of the said land being considered necessary for the purpose of the Asylum [illegible] that the Le

id deed in your favour,
at you accordingly laid
ne amount & the cess therein,
that before the sale was
confirmed & the land put
in your possession the Villagers
complained to the divisional
officer that they would be put
to great inconvenience if
the said land were granted
to you being a resident of another
village, and that they would
pay the sale price & procure
the land for grazing purposes
if the original sale deed
cancelled & the patta made
in the name of any one of
them; that the divisional
officer has accordingly granted
e said land to the Villagers
ved ~~that the same should~~
~~ow be granted to you~~
lso read correspondence
ding Divisional Officer's
ed 10/12/12 & 11-5-98-

The divisional officer

Pet. no 2865

2/

officer, was under, para 5
of Section XX of the Bombay
Land Revenue Rules grant
the land in question to the
villagers for an upset price
& ordered the issue of patent
in the name of one of the
villagers - We gave: have
ruled that the land once
granted to a person shall
not be taken back within
their discretion - Under the
circumstances the land
granted to the villagers
cannot be taken back from
them nor can the sale in which
you purchased it be
confirmed: -

The petitioner states, that
he purchased survey no:
26 of Kadaphanahally in
a public sale for Rs 290/
that besides depositing 1/4
of the sale price he credited

the full price in time
to the Patentee namely -
that the people of the said
village who were all present
at the time of the sale
have affixed their signa-
tures to the Sale list thereby
showing that they had no
liking for the same; that
it is therefore evident that
their sole object was to
secure the land for a small
price thus causing loss &
fear:- that it is unjust
to grant land for such
of them as have refused
when they were given an
opportunity of bidding
for the same; that he
borrowed the amount
by pledging his other
property - with a view &
purchase the land in
question & that the peti-
tioner will be put to heavy
loss if the land is not

given back to them -
Prays that he may be put
in possession of the land
carefully given over to
the villagers & that order
may be issued to the Police
authorities to prevent the
villagers from felling the
trees standing in the disputed
land till disposal of
this appeal

2/
20/5/98

Encls:
Copy: Comm'r's Enq. no:
204 of 12.5.98

Under the Madras Rev
Rules preference is given
to the ryots of the village
in the cultivation of the
waste lands of the village
para 12 of G.O. no 30 Board of Revenue
In this case the effect
of the asst Comm'r's order
is to reserve S no 26 (which
is assessed) for grazing

P.T.O

the question whether the
formal allotts to the Village
is so small as to justify
this measure
As the villagers have agreed
to pay the sale amount &
to pay the annual assessment,
the Govt does not thereby
sustain any loss. But
the land can be registered
in the name of only one
man & this doubtful if
the land will not become
private property in

16/5/98

In reply to reference made in
your letter
(1) S No 26 in the following are entered
land in the Village S No 5/2 | 2 9
1-10
& 27-8-1 in another
2) Population of the Villages is 72 &
the No of cattle is 155 are found in the Village
3) Cattle killed 12-31 &
4) The Village objected to the said sale at the time

24/2/99

Annexure Stamp Register
26, 5, 98
MW

A.S. No. 35
98-99

HOME DEPARTMENT

27-5-98

A.S. 35
98-99

ਸੰਤ ਸਿੰਘ ਸੇਖੋਂ ਦੀ ਸਮੁੱਚੀ ਕਹਾਣੀ ਕਲਾ ਦਾ ਮੁਲਾਂਕਣ ਕਰਦਿਆਂ ਇਹ ਗੱਲ ਸਪਸ਼ਟ ਹੋ ਜਾਂਦੀ ਹੈ ਕਿ ਉਹ ਆਪਣੇ ਸਮੇਂ ਦੇ ਸਮਾਜ ਦੀ ਨਬਜ਼ ਨੂੰ ਪਛਾਣਨ ਵਾਲੇ ਕਹਾਣੀਕਾਰ ਸਨ। ਉਹਨਾਂ ਦੀ ਕਹਾਣੀ ਕਲਾ ਦੀ ਵਿਸ਼ੇਸ਼ਤਾ ਇਹ ਹੈ ਕਿ ਉਹ ਸਮਾਜ ਦੇ ਕਿਸੇ ਇੱਕ ਪੱਖ ਨੂੰ ਲੈ ਕੇ ਉਸ ਦੇ ਵੱਖ-ਵੱਖ ਪਹਿਲੂਆਂ ਨੂੰ ਉਜਾਗਰ ਕਰਦੇ ਹਨ। ਉਹਨਾਂ ਦੀਆਂ ਕਹਾਣੀਆਂ ਵਿੱਚ ਪੇਂਡੂ ਜੀਵਨ ਦੀ ਸਾਦਗੀ, ਸੰਘਰਸ਼ ਅਤੇ ਮਨੁੱਖੀ ਰਿਸ਼ਤਿਆਂ ਦੀ ਗੁੰਝਲਤਾ ਨੂੰ ਬੜੀ ਸੂਖਮਤਾ ਨਾਲ ਪੇਸ਼ ਕੀਤਾ ਗਿਆ ਹੈ।

ਸੰਤ ਸਿੰਘ ਸੇਖੋਂ ਦੀ ਕਹਾਣੀ ਕਲਾ ਦੀ ਇੱਕ ਹੋਰ ਵਿਸ਼ੇਸ਼ਤਾ ਉਹਨਾਂ ਦੀ ਭਾਸ਼ਾ ਹੈ। ਉਹ ਆਪਣੇ ਪਾਤਰਾਂ ਦੀ ਭਾਸ਼ਾ ਨੂੰ ਉਹਨਾਂ ਦੇ ਸਮਾਜਿਕ ਪਿਛੋਕੜ ਅਨੁਸਾਰ ਢਾਲਦੇ ਹਨ। ਪੇਂਡੂ ਪਾਤਰਾਂ ਦੀ ਭਾਸ਼ਾ ਵਿੱਚ ਠੇਠ ਪੰਜਾਬੀ ਦੇ ਮੁਹਾਵਰੇ ਅਤੇ ਅਖਾਣਾਂ ਦੀ ਵਰਤੋਂ ਕਰਕੇ ਉਹ ਕਹਾਣੀ ਨੂੰ ਹੋਰ ਵੀ ਜੀਵੰਤ ਬਣਾ ਦਿੰਦੇ ਹਨ। ਇਸ ਤਰ੍ਹਾਂ ਉਹਨਾਂ ਦੀ ਕਹਾਣੀ ਕਲਾ ਪੰਜਾਬੀ ਸਾਹਿਤ ਵਿੱਚ ਇੱਕ ਵਿਸ਼ੇਸ਼ ਸਥਾਨ ਰੱਖਦੀ ਹੈ।

ಸಲ್ಲಿಸಿರುವುದಾಗಿದೆ

ಸ್ಥಳ :

ದಿನಾಂಕ :

ನಿಮ್ಮ ವಿಶ್ವಾಸಿ ಅಭ್ಯರ್ಥಿಯಾಗಿ ಪ್ರಾಥಮಿಕ ಸಹಕಾರಿ ಸಂಘಗಳ ಕ್ಷೇತ್ರದಿಂದ
ಸ್ಪರ್ಧಿಸಲು ನನ್ನ ಹೆಸರನ್ನು ಸೂಚಿಸಿರುವುದಕ್ಕೆ ನಾನು ಆಭಾರಿಯಾಗಿದ್ದೇನೆ.

Pet. No. 286 of 1898
12-9-98

L.K. 69-97 2

MYSORE DEWAN'S OFFICE.

PETITION DEPARTMENT. (2)

OFFICIAL MEMORANDUM.

The accompanying Appeal Petition No. 286 dated 25-8-98 received at the Dewan's Office from Gave Rangamma Wife Banavadi in the Nelamangala Tk, appealing against the Dy Commr's order confirming the Asst Commr's order cancelling the Sale deed dated 26 of Kodal village is forwarded, together with its one enclosure, to the Deputy Commissioner of the Bangalore District for submission of the entire proceedings connected with the case, together with a full report of the facts of the case, and on the points urged in the petition.

2. The petition with its enclosure should be returned.

3.9.98

By order,

for Secretary.

BANGALORE,
12/9/1898

8/9/98.

Subd LR 69-97-3

Mai

22/11/98

In the present case the Govt has sustained no loss as the sale-Mayers have paid the sale-amount & have also agreed to pay the Kandayam. In a similar case also of the Nelamangala taluk the Govt rejected the appeal but the records of that case are not put up, the V Records going out that the records are all [illegible] (vide slips).

Sub^d to 1st Councillor

[illegible] 13/12/98

10312

The sale of [illegible] was held on 6. 9. 97 [illegible] 97. [illegible] the [illegible] [illegible] in the village?

[illegible] is the [illegible] The village [illegible] [illegible] by [illegible] [illegible] on the [illegible] the extent of land held [illegible] of them.

[illegible] says that [illegible] rights of the [illegible] [illegible] [illegible] [illegible] sale. [illegible] lands in the village [illegible] the [illegible] [illegible]

[illegible]

13.12.98

4

14 - 12 - 98

Docket to 2nd Counc^r

[illegible] 14/12/98

[illegible] 15/12/98

REVENUE DEPARTMENT
Gl. No. 3249
17 1898
No 216
DEWAN'S O

-1898-99

(3)

From
The Dy. Commissioner,
Bangalore District.

To The Secretary to the Govt of Mysore
Genl & Rev Departments

Dated 16th of November 1898
Despatched 17th — Do —
Received
General No.
D No. 521

Enclosure No. 1 file

Rev. [illegible]
[illegible] 26 [illegible] 2nd [illegible] 98

Report regarding the Petition from Ganne Ranga of Mallara of [illegible] Nelamangala taluk appealing against the Order confirming the Cancellation of the sale of Survey No 26 of Kodapanhalli Village.

Rly
10.11.98
AK
21/11/98

Reg^d [illegible]

Bangalore District
Dy. Commissioner's Office
Bangalore 16 Nov. 1898.

D. No. 521

Sir Ist Rle

To

The Secretary to the Government
of Mysore,
Genl & Rev Departments.

Sir

With reference to your Office Memo No. Rev 216 of the 12th September 1898, I have the honor to state as follows:- One Syed Jani Sab applied on 18th August 1897 for Survey No. 26* of the Kodapanahalli village, Nelamangala Taluk, for cultivation. The villagers thereupon objected to the land being given out for cultivation, on the ground that the village had no free gomal, that they planted the land in question every year, at the Kulbanni sale for grazing their cattle thereon and that there was no other pasture land available for the cattle of the village. As the land

continued

* Survey No. 26 - Area - Assessed
2-1-0. Rs. 1-12-0
22-37 23-[illegible]

Confirmed Some valuable trees, it was sold by auction on 6th September 1897 and was purchased by one Gavi Ranga of Banavadi for Rs 290/- The full sale amount having been paid, as per rules the Auctioneer submitted the records to the Divisional Officer for confirmation of the sale. The latter, after enquiry into the matter during the Jamabandi of the Taluk, decided that the land in question should be leased for the grazing of the cattle, on the condition that the villagers paid the sale price and agreed to pay the yearly kandayam. On the villagers paying the sale amount, i.e. Rs 290 (together with cess amount Rs 18-2-0) the original sale was cancelled and the amount refunded to the purchaser (Gavi Ranga).

2. Gavi Ranga appealed against this order to the then Deputy Commissioner who, without entering into the merits of the case, rejected the appeal on the ground that the

then

then existing possession could not be disturbed without the express orders of the Government. The present appeal is against this order of my predecessor.

3. The records of the case and the petition with its enclosure are herewith submitted.

I have the honor to be
Sir
Your most obedient servant

Wm Thompson

Dy. Commissioner,
Dan[illegible] District.

Mus

1398

From

The Secretary to Govt
Genl and Rev Depts

To

The Deputy Comr
Bangalore Dt

Dated 16-12-98
Despatched 17-12-98
Received

General No. 4279 /
F. No. 575

Enclosure No.

LR 69-97-4

The Deputy Comr's letter No. 521 dated 16th November 1898, reporting on the petn of Gowd Rangs of Hallar Banawadi in the Nelamangala Talule —

In returning the papers received with the above for reference and report, Commission has the honor to request submission of further report on the following points.

(1). Is the only unoccupied land of the village?

(2) which is the popula-

-1-

+ 93-3-2 ಅನುಬಂಧ
16-12-98 (28) ಲಗ್ಗೆ

- tion of the village and the no. of cattle possessed by ~~them~~ those remaining in the village, and the extent of land held by, and assessment paid by them ?

(3) Is the statement of the petr. that all the ryots of the village were present at the auction and took no objection to the Sale, true ?

(4) Has Ranga (petr.) any lands in the village in which the land in dispute is ?

By order

13/12/98.

for Secretary

15.12.98

Dr. 6/3-97-5

Rec'd & 2nd Council

with a note to Secretary

11/24/99

Rec'd
Dec. 2 99

Chief Secretary type
had consulted Jam
not sure that the
Dy Comm's action
quite correct.
If was an aggrieved
land owner could
No appealing
How can that sale
be cancelled - Under
what Act/Regulation
plan?

Mcd
9.3.99

11/3/99

C

11/8/99

Taken for
Precis and
Precis put up
on 15.3.99.

15/3/99

Sent with Precis
& 18/3/99

REVENUE
Diary No. 5027
FEB 13 99
Bangalore
FORWARDING OFFICE

1898-99

The Dy. Commissioner,
Bangalore District.

5

To The Secretary to the Govt
of Mysore
Dated 11-2-99 } Genl & Rev Depts
Despatched 14-2-99
Received 17 February 1899

General No.
D No. 814

Enclosure No. 1 file

Secys docket No 4279
Feb 515
of the 16th December 1898.

Submits further report
on petition of Gane Ranga
& Mallar Banavadi in the
Nelamangala Taluk, com-
plaining against the order
of the Dy Comr confirming
the cancellation of the
sale of Survey No 26 of Kod.
Banahalli

Petn
15-2-99

Rec'd 17/2.

Refd put up
Subd
18/2/99

MK
18/2/1899

814.

Ser. 1 file

Deputy Commissioner's Office
Bangalore District
Cutch Kacherie &c
Kal Kalak
11th February 1899.

To,

The Secretary
to the Government of Mysore
General and Revenue Departments.

Sir,

With reference to the [illegible]
queries in your docket No. [illegible] of the
16th Ult. I have last requesting certain
information on the petition of Lucc
Rangaya of Mallasandra named in the
Memorandum, complaining
against the Deputy Commissioner's
order confirming the cancellation of
[illegible] revenue
[illegible] sale of Survey No. 26 of Kodaghana-
halli, I have the honor to report as
follows:-

(1) This is not the only encroached
ed of the village. There is another
encroached dry land, Survey No. 8/2

[illegible upside-down note]

The Draft for Appt.

Sub. to 1st Councillor

2/8/99

11895

Sum ... [illegible]

Press copy ... 2/7/8 Sent

Sub. to 2nd Councillor

3/8/99

Ralley post: Koppa 5. 8. 99.

... is unreasonable. He ... because it necessitated ... he improperly omitted & is not now ... [illegible]

What! Nine years ... declined ... What. What

Is it necessary to hold a resale - There was no irregularity & the sale had been properly & finally closed. Was it not incumbent upon the Sub divisional Offr to confirm it - He did not do so in ... - The D.C. ought to have corrected him. He declined to do so for fear of disturbing ... which entailed a refund to

Progs of the Govt of [illegible]

(7)

Appt. Gavi Rangamma

LR 69-97-6

Respt. Nazarase [illegible]

Read:—

Petition of appeal, No 2865/4535 of 1898-99, presented by Gavi Rangamma of Makara banavadi village in the Nelamangala taluk, against the order of the Dy. Commr. Bangalore Dist, confirming the Asstt. Commr's order, cancelling the sale to the appt. of S. No 26 in Kodappanhalli village in the said taluk.

(2) Letter No 2213, 16-11-98 from the Dy. Commr. Bangalore Dist reporting on the above, with records of the case, and subsequent correspondence ending with the Deputy Commrs No 514 of 11-2-99

The facts of this case are briefly these:—

On the application of one Syed Ghouse Sab for the grant of S. No. 26 (area assmt ...)

of Kodapanchalli village,
the land which contained
about 200 trees valued at
Rs 176 was on 6-9-97, sold
by public auction and
knocked down to the appt
for Rs 290. Both before
and during the sale, the
respondents who are the
ryots of the village represented
to the Amildar the inconvenience
likely to result by giving
out the land for cultivation
as they had long held the land
for grazing on payment
of the kudkanni rent. On
13-10-97, the Amildar reported
to the Asst Commr in charge
of the Taluk that the sale
had been regularly held;
that the entire sale amount
had been paid up and that
the objections of the ryots
were unreasonable as they
could have bid for the

land at the sale. The matter lay pending till the Jamabandi of the taluk (in Feb 1894) when the Asstt Comr cancelled the sale on the respondent paying the sale amount (Rs 290 + Rs 18-2- local cess) and agreeing to pay the annual assessment. On appeal the D Comr declined to interfere on the ground that the proceedings of the respdts could not be disturbed without any prior order from Govt. The appt contends in his appeal to Govt that the sale should be confirmed as it was regularly held and as the resp[t]s failed to bid for the land though they had every opportunity to do so. It appears from the[x] revenue records that there is a dispute re- assessed occupied waste land

x The word "the" is written in the 2nd record of the D Comr's ~~letter~~ proceedings wrong: hence the ref to Records.

(S. No $\frac{8}{2}$ measuring 7ª-9ª)
that the population of the
village is 73, the number
of cattle 155 and that the
appte does not hold any
land in the village.

(40)

Order. Whereas $\frac{\text{Appl}^{n}\ 444-51}{\text{R.P. } 30-99}$ of 4.8.99.
/ $\frac{1}{16}$
he finds that
no sufficient grounds
have been shown for the
reservation of the land in
dispute under Sec 37 of the
Mysore Land Rev. Code.
In the absence of any such
authorized reservation, the
Government for the land
had to be disposed of under
the ordinary rules. On the
application of one Syed Ghouse
Sab, the land was put up
to auction on 6th Sept/97
and the appte was the highest
bidder. The sale however
was not confirmed by the
Deputy Comm.

who granted the land to respondents (who are the villagers) on the ground that they agreed to pay the purchase money and also ~~pay~~ the annual rent. This procedure is not mentioned by law. The opening portion of para 5 of Rule XX of the L.R. Rules authorizes a Tahsildar to dispose of land in favour of the first applicant without a sale on certain conditions, but it does not apply to this case as the respondents were not the first to apply for the land, and, where there were several applicants, a second sale should have been held under the concluding portion of the Rule above quoted. The order appealed against is therefore reversed

and the Department is directed to hold a search of the record and dispose of it according to law.

Redraft
CC2 Secy

2o
Shelby Cummins Barrington
Reg with records
- A.G.'s other side

+93-37.0 [illegible]
16-8-99

1899-1900

GOVERNMENT OF MYSORE

PETITION

PROCEEDINGS

Dated 16th August 1899

No. 1444-51
P. F. 30-99

Passing orders regarding the disposal of S. No. 26 in Kodappanahalli village, Nelamangala taluk, and explaining the scope of para 5 of Rule XX of the Land Revenue Rules.

SBP—28-8-99—200

Appellant		*Respondents*
Gavi Ranga.	*versus*	Narasegauda and others.

READ—

(1) Petition of Appeal No. 2865—A. S. 35 of 1898-99, presented by Gavi Ranganna of Mallarabanavadi village in the Nelamangala taluk against the order of the Deputy Commissioner, Bangalore district, confirming the Assistant Commissioner's order cancelling the sale to the appellant of Survey No. 26 in Kodappanahalli village in the said taluk.

(2) Letter No. 521, dated 16th November 1898, from the Deputy Commissioner, Bangalore district, reporting on the above, with records of the case and subsequent correspondence ending with the Deputy Commissioner's No. 811, dated 11th February 1899.

The facts of this case are briefly these:—

On the application of one Syed Ghouse Sabi for the grant of Survey No. 26 of Kodappanahalli village, the land which contained about 800 trees valued at Rs. 176 was, on 6th September 1897, sold by public auction and knocked down to the appellant for Rs. 290. Both before and during the sale, the respondents, who are the raiyats of the village, represented to the Amildar the inconvenience likely to result by giving out the land for cultivation as they had long held the land for grazing on payment of the hulbanni rent. On 13th October 1897, the Amildar reported to the Assistant Commissioner in charge of the taluk that the sale had been regularly held; that the entire sale amount had been paid up and that the objections of the raiyats were unreasonable as they could have bid for the land at the sale. The matter lay pending till the jamabandi of the taluk (in February 1898) when the Assistant Commissioner cancelled the sale on the respondents paying the sale amount (Rs. 290+Rs. 18-2-0 local cess) and agreeing to pay the annual assessment. On appeal the Deputy Commissioner declined to interfere on the ground that the possession of the respondents could not be disturbed without an express order from Government. The appellant contends in his appeal to Government that the sale should be confirmed as it was regularly held and as the respondents failed to bid for the land though they had every opportunity to do so. It appears from the vernacular records that there is another unoccupied assessed waste land (S. No. 8/2 measuring 7 acres and 10 guntas); that the population of the village is 73, the number of cattle 155 and that the appellant does not hold any land in the village.

Area.			Assessment.		
A.	g.		Rs.	a.	p.
22	37		23	0	0

No. 1444-51—P. F. 30-99, DATED BANGALORE, 16TH AUGUST 1899.

ORDER THEREON.—The Government observe that no sufficient grounds have been shown for the reservation of the land in dispute under Section 39 of the Mysore Land Revenue Code. In the absence of any such authorized reservation, the darkhast for the land had to be disposed of under the ordinary rules. On the application of one Syed Ghouse Sabi, the land was put up to auction on 6th September 1897 and the appellant was the highest bidder. The sale, however, was not confirmed by the Sub-Division Assistant Commissioner, who granted the land to respondents (who are the villagers) on the ground that they agreed to pay the purchase money and also the annual kandayam. This procedure in not warranted by law. The opening portion of para 5 of Rule XX of the Land Revenue Rules authorizes a Deputy Commissioner to dispose of a land *in favor of the first applicant* without a sale on certain considerations, but it does not apply to this case, as the respondents were not the first to apply for the land, and, where there were several applicants, a second sale should have been held under the concluding portion of the rule above quoted. The order appealed against is, therefore, reversed and the Deputy Commissioner is directed to hold a re-sale of the land and dispose of it according to law.

C. SREENIVASIENGAR.
Secy. to Govt. Com. & Rev. Depts.

To—The Deputy Commissioner, Bangalore District, with re
The Deputy Commissioners of other Districts.

Exd.—H.A.R.

[illegible] 2865 [illegible] 1 P. (6) [illegible]

16-8-99

LR 69-97-7

[illegible]

[illegible]

[illegible]

By Order

for Secretary

[illegible]

[illegible]

[illegible] — [illegible]

By Order

[illegible]

Draft

[illegible]

11/8.